

REMARKS

Claims 1 and 2-15 are pending in the application. Claims 2 and 16-29 have been canceled without disclaiming the subject matter therein. Applicant reserves all right to pursue these or other claims in a continuing application. In light of the amendments and following remarks, Applicant believes all the pending claims are now in condition for allowance.

Claims 1-15 were rejected under 35 USC 102(e) as being anticipated by U.S. Patent No. 6,416,642, issued July 9, 2002 to Alajoki et al. (hereinafter "Alajoki"). Applicant has amended the claims to expedite prosecution and respectfully traverses the rejection.

Applicant admits that the Alajoki patent teach innovative technologies. However, the Office Action has not shown that the reference supports a prima facie case of anticipation. For example, claim 1 as amended recites the following:

receiving a sequence of steps, each step specifying at least one well of a microfluidic device, a value indicative of a driving force to be applied to fluid in the at least one well and a duration for applying the driving force specified by the value to the fluid in the at least one well;

The Office Action has not shown where Alajoki discloses these features. Applicant has amended the claims to recite a "driving force," which is standard terminology in the art.

The Office Action cites col. 2, lines 21-44 and col. 3, lines 22-32 as disclosing receiving a sequence of steps receiving a sequence of steps as claimed. In reviewing these sections, Applicant did not see where these sections recited the claimed step. These sections describe absorbent materials that can be utilized to modulate flow rates in a microfluidic device. The Office Action also cited col. 27, lines 28-67 that describe computers being utilized with microfluidic devices. However, a prima facie case requires, among other things, that the reference teach all the features of the claims. This section cited in the Office Action has not been shown to teach the claimed features of receiving a sequence of steps that specify a well, a driving force value and a duration as claimed.

With respect to the features that were in claim 2 that have been incorporated into claim 1, the Office Action cited col. 9, lines 36-51. This section discusses varying and regulating flow rate utilizing the invention taught in Alajoki, but Applicant did not see that this section discloses a step that included a duration for applying a driving force value to fluid at a well as claimed. Col. 15, line 54 to col. 16, line 11 was also cited in the Office Action. This section discusses the duration of a signal that corresponds to how long a cell was in a detection window. This is not the duration of applying a driving force value as claimed. Lastly, the Office Action cited col. 32,

lines 27-29 that is a step in a claim regarding detecting a signal for a period of time. Once again, this is not a duration in a step relating to the application of a driving force value as claimed.

As the Office Action has not shown that Alajoki discloses all the features of claim 1, a *prima facie* case of anticipation has not been established. All of the independent claims have features that are similar to the ones discussed above so claims 1 and 2-15 are patently distinct.

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 446-8643.

Respectfully submitted,



Michael J. Ritter
Reg. No. 36,653

RITTER, LANG & KAPLAN LLP
12930 Saratoga Ave., Suite D1
Saratoga, CA 95070
Tel: 408-446-8690
Fax: 408-446-8691